



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Lairson et al.

Title: Magnetic Disk Comprising a First Carbon Overcoat Having a High SP3 Content and a Second Carbon Overcoat Having a Low SP3 Content

Serial No.: 10/728,998

Filed: 12/5/03

Examiner: S. Resan

Group Art Unit: 1773

Docket No.: K9928-C2

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450


TRANSMITTAL LETTER

Applicants enclose herewith an Amendment. The fee for this submission is calculated below:

	<u>Number of claims</u>	<u>Claims previously paid for</u>	<u>Extra claims</u>	<u>Fee per claim</u>	<u>Total fee</u>
Total claims	32	31	1	18	\$18
Independent Claims	3	3	0	84	\$0
Fee for Three Terminal Disclaimers					\$330
Total fee required					\$348

Applicants enclose a check for \$348. The Commissioner is requested to deduct any additional fees required for this submission, or to credit any overpayment, to deposit account 500794.

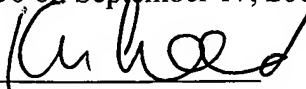
Respectfully Submitted,

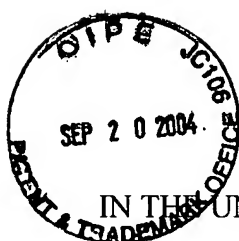

Kenneth E. Leeds
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 17, 2004.

September 17, 2004
Date


Signature



IFW

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AMENDMENT

In response to the Office Action dated June 25, 2004, please amend the claims as set forth in Exhibit A attached hereto.

REMARKS

In the Office Action dated June 25, 2004, the Examiner rejected the claims as failing to comply with the written description requirement. The Examiner argued that the specification refers to a disk, whereas the claims refer to magnetic media. A disk is a specie of a magnetic medium. See Office Action, page 2.

On September 14, 2004, Applicants' Attorney and the Examiner had a telephone interview in which Applicants' Attorney pointed out that there was case law stating that one is permitted to have claims that are broader than what is described in the specification. The Examiner stated that if such a case were submitted to him, he would consider it. Accordingly, Applicants attach as Exhibit B In re Max Otto Rasmussen, 211 USPQ 323 (CCPA 1981). Rasmussen's application, as originally filed, taught applying